

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GREGORY SCOTT DAILY,)
Appellant,) Case No. 3:10-00160
v.) Judge William J. Haynes, Jr.
AUERBACH ACQUISITION)
ASSOCIATES, INC.,)
Appellee.)

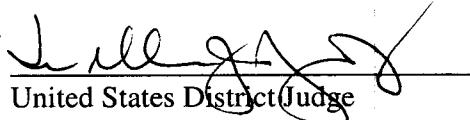
**STIPULATION AND AGREED ORDER REGARDING
ROLE OF COUNSEL FOR DEBTOR**

It appearing to the Court, as evidenced by the signatures of counsel below, that the Court currently has pending before it an appeal from the United States Bankruptcy Court relating to the allowance of a claim asserted by Auerbach Acquisition Associates, Inc. ("Auerbach") against the Debtor, Greg Daily ("Daily"); and it further appearing that, during the pendency of the appeal, Randal S. Mashburn was appointed as Chapter 11 Trustee in the case ("Trustee") which gives him the right to represent the interests of the bankruptcy estate; and it appearing that Daily sought and was granted permission to intervene in the appeal to assert the rights of Daily independent of the Trustee; and it appearing that Daily, Auerbach and the Trustee have agreed that it is in the best interests of judicial economy and efficiency for the bankruptcy estate to allow the appeal to proceed with the briefing and argument handled as a two-party matter involving Daily and Auerbach rather than adding the expense and complications of the Trustee

playing a separate role; it is therefore stipulated by the parties and Ordered by the Court as follows:

1. Within the time frame provided by prior order, Daily's counsel shall be allowed to file a reply brief that addresses any pertinent issues relevant to either Daily or the bankruptcy estate, and the Trustee shall not be required to file a brief on behalf of the bankruptcy estate.
2. Auerbach will not raise any issue as to the standing of Daily to participate in the appeal and expressly stipulates that it does not oppose having Daily file a brief that addresses matters relevant to either the bankruptcy estate or Daily.
3. To the extent that oral argument is allowed in this matter, Daily shall likewise be allowed to participate to the same extent as reflected above, and the Trustee shall not be required separately to appear on behalf of the bankruptcy estate.

IT IS SO ORDERED.



United States District Judge